

JOE WARDY  
MAYOR



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
AUGUST 12, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Paul J. Escobar, and Vivian Rojas. Absent: Anthony W. Cobos. Late arrivals: Paul J. Escobar and Daniel S. Power. Meeting was called to order at 9:11 a.m. and the invocation was given by Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

### MAYOR'S PROCLAMATIONS

#### 1. *David L. Carrasco Job Corps Center Leadership Training Day*

No action was taken on the discussion and action of the Jennifer Fierro Wood murder case: 1. Why does the EPPD tell me that they are doing me a favor by informing me on the status of my daughter's case; 2. Why did Albuquerque PD feel that I was doing the job of EPPD since they were not asked to investigate the phone calls my daughter made while we were in Albuquerque the week before her murder; 3. Why wasn't the Albuquerque CrimeStoppers informed or allowed to be involved; 4. Why does budget come into play in a murder investigation; 5. Why are the Army CID and other Federal Authorities being asked for assistance in questioning witnesses who are stationed overseas; 6. I fear retaliation from the El Paso Police Department as a result of my action here today. [Cruz M. Carder]

Ms. Cruz M. Carder, mother of Jennifer Fierro Wood, read from a prepared statement (on file in the City Clerk's office) and asked questions of Council Members regarding her daughter's murder case.

Commander Diana Kirk, El Paso Police Department, responded to questions and comments made by Ms. Carder.

Mayor Joe Wardy stated that he would request Police Chief Carlos Leon speak with Ms. Carder individually regarding matters pertaining to her daughter's murder case.

No action was taken on the discussion and action on the proposed street name change of Santa Fe Street to Gus Massey Street and that this be considered as a City-initiated application. [Gus Massey, Jr.]

At this time, Mayor Joe Wardy left the meeting; however, he returned following the acceptance of the Wal-Mart donation.

Mr. Gus Massey, Jr., speaking on behalf of the Massey family, provided background information regarding his father and requested that Santa Fe Street name be changed to Gus Massey Street. He also requested that the matter be City initiated and requested the Council Members' support.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, explained that the Planning, Research and Development Department had begun preliminary research on the matter and noted that there currently existed 68 commercial and residential buildings on Santa Fe Street that would be impacted by the street name change. She noted that if the matter were to be City initiated, the costs would be substantial and added that a list of street names is given to developers when constructing subdivisions.

Mr. Massey closed by stating that he would speak to Ms. Adauto individually regarding this request.

No action was taken on the discussion and action to direct the El Paso City-County Health & Environmental District to include the following line items in the FY04 budget to be presented to City Council and Commissioners Court in a special meeting at the County Courthouse on August 21, 2003:

- Funding to operate the existing Spay/Neuter van in a pilot program (\$120,000);
- Funding to institutionalize the Spay/Neuter Voucher program initiated by City Council during FY03 (\$50,000). [James Kluetz]

Mr. James Kluetz introduced Mrs. Patricia Palafox and Mrs. Patricia Wickham and stated that over 20,000 unwanted animals were euthanized every year in El Paso County.

Mrs. Patricia Palafox, Chairman of the El Paso Animal Shelter Advisory Board, requested Council Members' support regarding the funding requests (as noted above) and stated that in order to reduce the number of euthanized animals, the spay and neuter programs must continue. She provided the telephone number of PetsAlive, 873-PETS, a 501(c)(3) charitable organization, and noted that any contributions would be tax deductible. She also requested that any discretionary funds be provided by Council Members. She also stated that PetsAlive supported the spay and neuter voucher program, not the El Paso Animal Shelter Advisory Committee. She commented on utilizing "canvassing" as a possible funding source and explained that canvassing was similar to the issuance of traffic tickets by Police officers in that individuals who had not licensed, tagged and/or vaccinated their animals would be cited.

Mrs. Patricia Wickham, El Paso Animal Shelter Advisory Committee member, requested that the spay/neuter van be utilized as it intended and explained that the van had not be utilized to the fullest extent possible. She read a Resolution into the record, signed by former Mayor Carlos Ramirez, and commented on the spay/neuter voucher program. She stated that the cost to spay or neuter an animal was approximately \$62.00; however, to euthanize an animal the estimated cost was \$100.00.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, explained that a budget hearing for the El Paso City/County Health and Environmental District was scheduled for August 21, 2003, and noted that the Council Members would make decisions regarding the Health Department budget at that scheduled meeting.

Representatives Cook, Cushing, Rojas, and Austin provided comments and asked questions of Mrs. Palafox, Mrs. Wickham and City staff.

## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept the donation of \$1,500.00 from the Wal-Mart store located at 7001 Gateway Blvd. West for the purchase of a modular display-table top for use by the Police Department's Pebble Hills Regional Command Center.

Commander Cliff Walsh, El Paso Police Department, thanked the Wal-Mart Corporation and explained that modular display-table top would be utilized for child fingerprinting and other crime prevention programs.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to suspend the electronic voting system for the August 12, 2003 City Council meeting. Representative Power was not present for the vote.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution. Representative Power was not present for the vote.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of August 5, 2003 and Special City Council Meetings of July 16, July 17, July 28, and August 6, 2003 and Legislative Review Committee of the Whole Minutes for July 28, 2003.

\*Motion made, seconded and unanimously carried to excuse Representative Anthony W. Cobos from the Regular Council Meeting of August 12, 2003.

\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department, to be funded through the FY2003 Downtown Festivals and Cultural Programs of the Arts and Culture Department as recommended by the Arts and Culture Department's Advisory Board and Staff.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a Contract between the CITY OF EL PASO and the TEXAS DEPARTMENT OF TRANSPORTATION, on behalf of the Building Permits and Inspections Department, to continue to have access to the Internet website to check motor vehicle titles and registration records.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a letter providing Notice of Termination of the Contract by and between the City of El Paso and Carl A. Parker and Froy Salinas for State legislative lobbying services.

NOTE: The Resolution was revised to note that the contract was terminated for convenience.

Motion made by Representative Lozano, seconded by Representative Power and carried to approve the above Resolution.

- AYES: Representative Austin, Cushing, Lozano, Power and Rojas  
NAYS: Representative Cook and Escobar  
EXCUSED: Representative Cobos

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD DEL HIERRO**, to assist the El Paso Water Utilities as a Programmer Analyst, at a biweekly rate of \$1,713.72 for 40 hours per week. The term of the contract shall be for the period of August 13, 2003 through August 12, 2004.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER, INC.**, for a project known as "**Northeast Regional Park – Master Plan**", in an amount not to exceed ONE THOUSAND EIGHT HUNDRED and NO/100 DOLLARS (\$1,800.00).

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Agreement for Engineering Services by and between the **CITY OF EL PASO** and **DINTER ENGINEERING COMPANY**, for a project known as "**EPIA Airfield Lighting and Controls**" in an amount not to exceed EIGHT HUNDRED EIGHTY-TWO THOUSAND SIX HUNDRED TWENTY-ONE and NO/100 DOLLARS (\$882,621.00)

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **WRIGHT & DALBIN ARCHITECTS, INC.**, for a project known as "**McKelligon Canyon Park Improvements**" for an amount not to exceed ONE HUNDRED EIGHTY-THREE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$183,500.00).

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Human Resources Department be authorized to submit a grant application to CPS Human Resources Services and the International Personnel Management Association (IPMA) for a grant of \$30,000.00. If the City is awarded the grant, the funds will be used to implement program establishing a Regional Employee Relations Mediation Center. No matching funds are required.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Human Resources Department be authorized to submit a grant application to CPS Human Resources Services and the International Personnel Management Association (IPMA) for a grant of \$30,000.00. If the City is awarded the grant, the funds will be used to implement a wellness "pilot" program for City employees. No matching funds are required.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **IRMA L. MEDINA**, to develop effective relationships with the media and to provide information to the public on city programs, projects, events and city government at a biweekly rate of \$2,115.38. The contract period shall be from August 18, 2003 through August 17, 2004. This contract is subject to the approval of the City's Civil Service Commission.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of the El Paso Museum of Art be authorized to accept as gifts, on behalf of the City of El Paso, thirty-five (35) photographs by artist Max Aguilera-Hellweg

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work:

One (1) ceramic and mixed media sculpture by artist **Eddie Dominguez** entitled ***Larry's Fall Garden*** offered by the Artist for \$10,000 (discounted from \$14,000.00) with funds provided by the Robert U. and Mabel O. Lipscomb Foundation Endowment.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of the El Paso Museum of Art be authorized to sign an Outgoing Loan Agreement on behalf of the City of El Paso, for the loan of one drawing by Frederic Remington, ***Sketch in the Soldier Clan Dance***, 1890, ink wash, (1977.3.1) to the Glenbow Museum, Calgary, Canada, for a traveling exhibition to be held from May 2004 to September 2005. The Glenbow Museum will cover the costs of packing, shipping and insurance during the loan period.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following personal services contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2003-2004 appropriations to be approved by the City Council.

**PAVO REAL RECREATION CENTER**

**DEPARTMENT ID: 51510115, ACCOUNT 501011**

- |    |              |  |
|----|--------------|--|
| 1. | CONTRACTOR:  | Lisa M. Perez, Daycare Coordinator, Step 2 |
|    | DATES:       | September 1, 2003, through March 1, 2004   |
|    | RATE PER HR: | \$8.05                                     |
|    | CONTRACT NO: | 2003/2004-020                              |

**SUN COUNTRY CDBG – MULTIPURPOSE CENTER**  
**DEPARTMENT ID: 51510056, ACCOUNT 501011, G7129CD0032**

2. CONTRACTOR: Anna L. Thornton, Daycare Director, Step 6  
 DATES: September 1, 2003, through August 31, 2004  
 RATE PER HR: \$9.25  
 CONTRACT NO: 2003/2004-021

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract Release to the Contract dated August 16<sup>th</sup>, 1983 between the CITY OF EL PASO and DILASO PROPERTIES, INC., releasing DILASO PROPERTIES, INC. from the contract in its entirety and all restrictions, conditions, and covenants found therein as a condition of the grant of a liquor district pursuant to ordinance No. 7745 for the property commonly known as 4001 N. Mesa and more particularly described by said ordinance. **(District 1)**

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with the YSLETA INDEPENDENT SCHOOL DISTRICT FOR DESERT VIEW MIDDLE SCHOOL, to lend it Ten (10) 32 Gallon Containers and Ten (10) 8 Gallon Baskets for a fee of \$5.00 for each month for the purpose of collecting the school's recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with the YSLETA INDEPENDENT SCHOOL DISTRICT FOR LANCASTER MIDDLE SCHOOL, to lend it Six (6) 32 Gallon Containers for a fee of \$5.00 for each month for the purpose of collecting the school's recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with ASSETT REAL ESTATE SERVICES, LLC to lease the company One (1) 32 Gallon Container for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That Mayor be authorized to sign a Contract between the City of El Paso and Jobe Concrete Products, Inc. to landscape and maintain an area known as the Van Buren Dam Drainage Facility located adjacent to the 2600 Block of Van Buren Avenue and the 4200 Block of Alabama Street, El Paso, Texas.

\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 16<sup>th</sup> day of September, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10737 Aquamarine, in El Paso, Texas, which property is more particularly described as:

Lot: 14, Block 4, SHEARMAN UNIT 1, an Addition to the City of El Paso, El Paso County, Texas according to the map thereof on File in Book 50, Page 11, Plat Records of El Paso, County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Robert W. Vetter, 10716 Jadestone Dr., El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

\*Motion made, seconded and unanimously carried to approve the request for the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Library Information Specialist I (1)**
- B. Guard (2)**
- C. Budget Management Analyst II (1)**

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Street

Add    1.00    Arborist            Contract

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Municipal Clerk

Add            1.00            Secretary III            GS19  
Delete          1.00            Secretary II            GS16

.....  
\*Motion made, seconded and unanimously carried to approve the request from Ruben G. Ramirez of the Street Department for Special Sick Leave.

.....  
\*Motion made, seconded and unanimously carried to confirm the Mayor's appointment of Teresa Cullen-Garney as Deputy City Attorney, at a salary of \$127,000 per annum, effective August 18, 2003.

.....  
\*Motion made, seconded and unanimously carried to appoint Lydia Flynn to the Greater El Paso Civic, Convention and Tourism Advisory Board to fill an unexpired term by Mayor Pro Tem Anthony W. Cobos.

.....  
\*Motion made, seconded and unanimously carried to appoint C.S. "Dusty" Rhodes to the Airport Board by Mayor Joe Wardy.

.....  
Motion made, seconded and unanimously carried to delete the appointment of Kelly Juen to the Building and Zoning Advisory Committee by Mayor Joe Wardy.

.....  
\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City

- A. PID #A200-000-0110-1300, \$280.63 per month installments on a balance of \$2,245.04 for 1997, 1998, 2001 & 2002 taxes; Luis B. Cabrera – 716 Agua Clara.**
- B. PID #'s E960-000-0010-0100, E960-000-0010-0200, E960-000-0010-0300 & E960-000-0010-0400, \$234.51 per month installments on a balance of \$5,628.24 for 1993, 1994, 1995, 1996, 1997, 1998, 1999 & 2000 taxes; Ignacio Cubillos – 4031 Snoqualmie Dr.**
- C. PID #'s M772-000-0000-0018 & M772-000-0000-0019, \$493.91 per month installments on a balance of \$17,780.76 for 2000 & 2001 taxes; Fidel Gastelum – 224 Moon.**
- D. PID #P591-999-0130-3600, \$336.54 per month installments on a balance of \$4,038.48 for 1997 & 1999 taxes; Salvador & Camila Gonzalez - 265 Columbia Ave.**
- E. PID #S533-000-0210-35AC, \$212.04 per month installments on a balance of \$2,544.48 for 2001 & 2002 taxes; Dario E. & Irene Rodriguez – 730 Rodriguez.**
- F. PID #S812-999-0110-1500, \$257.19 per month installments on a balance of \$2,057.52 for 2002 taxes; Laura Salazar – 12244 Robert Dahl.**
- G. PID #'s 1997-999-1962-0034 & 0824-999-0273-0034, \$167.39 per month installments on a balance of \$3,013.02 for 1994, 1995, 1999 & 2000 taxes; G-Printing % Antonio Gonzalez – 2920 Piedras.**



\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Yardeni Family Investment in the amount of \$1,359.32, overpayment of 2002 taxes.  
(PID #01MH-999-0000-0239)
- B. Jose Chacon III in the amount of \$690.00, overpayment of 2003 taxes.  
(PID #A700-999-0020-0500)
- C. El Paso Rivera Investments in the amount of \$1,300.00, overpayment of 2002 taxes.  
(PID #C157-999-0010-2300)
- D. El Paso Rivera Investments in the amount of \$1,400.00 overpayment of 2002 taxes.  
(PID #C301-999-0250-3900)
- E. El Paso Rivera Investments in the amount of \$1,400.00, overpayment of 2002 taxes.  
(PID #C301-999-0390-1600)
- F. Lereta Corp. in the amount of \$6,389.72 overpayment of 2001& 2002 taxes.  
(PID #E014-999-0880-7900)
- G. El Paso Rivera Investments in the amount of \$1,150.00, overpayment of 2002 taxes.  
(PID #E014-999-1260-4900)
- H. El Paso Rivera Investments in the amount of \$1,500.00, overpayment of 2002 taxes.  
(PID #G686-999-1100-3600)
- I. Joseph F. Friedkin in the amount of \$1,544.53, overpayment of 2002 taxes.  
(PID #M576-999-0150-6400)
- J. First American Real Estate Tax Service in the amount of \$2,587.13, overpayment of 2002 taxes.  
(PID #M576-999-0180-3700)
- K. Transamerica Real Estate Tax Service, in the amount of \$651.59, overpayment of 2001 taxes.  
(PID #T172-999-0340-1500)

.....  
\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for one additional year, from September 25, 2003 to September 24, 2004 pursuant to the provisions of Contract #2000-218 with O. R. Enterprises, El Paso, Texas for Hydraulic Cylinder Repack/Rebuild & Hydraulic System Components Repair.

Option No.: One [of One]  
Amount of Award: \$50,000.00 Annual Estimate  
Account Nos: 37370510-503125  
Funding Source: Fleet Service Internal Service Fund  
Department: Fleet Service

.....  
Motion made, seconded and unanimously carried to move to the regular agenda Change Order No. Three (Construction Change) Funk & Company, Inc. for "Renovation to City Hall Mechanical & Lightning Systems" for an increase amount of \$35,407.90. An increase in the Contract amount due to Removal and Disposal of Asbestos containing materials from existing Air Duct (15 areas) – all removal must comply with asbestos project design by Encon International, Inc.

Ms. Lisa Turner, citizen, stated she was surprised the contractor had not checked for asbestos prior to submitting the bid. She also stated that the contractor had not submitted a true bid; however, was awarded the bid and then discovered the asbestos.

Mr. Byron Johnson, Director of Purchasing, explained that the asbestos matter could not be foreseen as the vents would need to be dismantled prior to making an analysis for asbestos. He noted that Encon was monitoring the air and removal of any asbestos material(s). He stated that dismantling the vents would disable the HVAC system in City Hall.

Representative Austin questioned language in the bid addressing asbestos removal.

Mr. Johnson responded that in the event of unforeseen asbestos removal, a Change Order would be required; however, no vents would be dismantled as the HVAC system would require shutting off.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve Change Order No. Three (Construction Change) Funk & Company, Inc. for "Renovation to City Hall Mechanical & Lightning Systems" for an increase amount of \$35,407.90. An increase in the Contract amount due to Removal and Disposal of Asbestos containing materials from existing Air Duct (15 areas) – all removal must comply with asbestos project design by Encon International, Inc.

\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the contract for two (2) additional years, from October 1, 2003, through September 30, 2005, pursuant to the provisions of contract 2001-209, Storm Drain Grates, with Lone Star Welding.

Option No.: One [of One]

Department: Municipal Services - Streets  
Funds available: 32010160-01101-502215  
Funding source: General Funds – Street Storm Water Management – Outside Contracts  
Total award: \$15,000.00 (estimated annually)

**NOTE:** The item was revised to read “Storm Drain Grates”.

\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the contract for one (1) additional year, from October 1, 2003, through September 30, 2004, pursuant to the provisions of contract 2002-222, Food Product Establishment at San Jacinto Plaza, with Big Boy Ice Cream Concessions Inc.

Department: Parks and Recreation  
Funds available: Revenue  
Total award: \$7,748.00 (estimated revenue)

**\*Motion made, seconded and unanimously carried to award Bid No. 2003-165 Security Guard Services for the City of El Paso Landfills and Transfer Station**

Award to:	Ruiz Protective Services, Inc. El Paso, Texas
Item (s):	All
Amount:	\$129,920.00 (estimated annually)

Department:	Solid Waste Management
Funds available:	34010295-34010296-34010298-40403-502212
Funding source:	Solid Waste Management Security Contracts, Delta Transfer Station, McCombs and Clint Landfills
Total award:	\$389,760.00

The Departments of Solid Waste Management and Purchasing recommend award as indicated, as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with the option to extend the term of the contract two (2) additional years.

\*Motion made, seconded and unanimously carried to award Bid No. 2003-176 Asbestos Abatement Services

Award to: Southwest Abatement Inc. dba  
Environmental Reconditioning, Inc.  
El Paso, Texas  
Item (s): All  
Amount: \$101,908.33 (estimated annually)  
  
Department: Municipal Services  
Funds available: Various  
Funding source: Various  
Total award: \$395,725.00 (estimated amount)

The Departments of Municipal Services and Purchasing recommend award as this vendor has provided the Best Value Procurement and meets specifications.

This is a Thirty-six (36) month contract with no option to extend.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-194 Janitorial Services for El Paso Park Shelters/Reserve Areas

Award to: C-US Clean  
El Paso, Texas  
Item (s): All  
Amount: \$18,000.00 (estimated annually)  
  
Department: Parks and Recreation  
Funds available: 51010279-16301-502206  
Funding source: Users Fee Janitorial Maintenance Services Contract  
Total award: \$54,000.00 (estimated amount)

The Departments of Parks & Recreation and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with no option to extend.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-169 Steam Sterilizer, Automatic Microcomputer Controlled

Award to: Medical Scientific Service, Inc.  
Albuquerque, NM  
Item (s): All  
Amount: \$46,026.00  
  
Department: Health District  
Funds available: 508012-06068-41150015-G410322  
Funding source: Texas Department of Health Grant,  
Bio-terrorism Lab FY03  
Total award: \$46,026.00

The Health District and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

\*Motion made, seconded and unanimously carried to award Bid No. 2003-170 Radar Units, Hand-Held

\*Motion made, seconded and unanimously carried to award Bid No. 2003-182 Advertising Services for the City of El Paso Municipal Services

This is a twelve (12) month contract with the option to extend the term of this contract for one (1) additional year. Additionally, Impressions offers a 5% 10 days, 2% 20 days prompt payment discount.

\*Motion made, seconded and unanimously carried to delete Bid No. 2003-186 Police Duty Gear

Award to: Bazaar Uniforms & Men's Wear  
El Paso, Texas  
Item (s): Group 1, Group II and Group III (All)  
Amount: \$64, 211.12 (estimated annually)  
  
Department: Police  
Funds available: 21010060-503120  
Funding source: General Funds  
Total award: \$128,422.24

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

This is a Requirement Type Contract with an initial term of Twenty-Four (24) months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-190 Traffic Paint-WPT-12 and YPT-12

Award to: Centerline Supply, LTD  
Grand Prairie, Texas  
Item (s): #1 and #2 (all)  
Amount: \$30,400.00 (estimated annually)  
Department: Street  
Funds available: 32010287-503122  
Funding source: General Funds  
Total award: \$60,800.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Lower Bidder was rejected because the prices quoted are for a minimum of truckload (3200 gallons). The City's orders are for less.

No options were offered

This is a Requirements Type Contract with an initial term of Twenty-Four (24)\_months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-196 Coal Tar Emulsion Seal Coat (Airport Grade) - Rebid

Award to: Seal Master/El Paso  
El Paso, Texas  
Item (s): 1A and 1B  
Amount: \$108,511.53 (estimated annually)  
  
Department: Department of Aviation  
Funds available: 62620003-503121  
Funding source: Airport Operating Fund  
Total award: \$108,511.53 (estimated annually)



Increase	\$85,278.0	to	31255001/P50134727652/405067	Reimb Expnd
Increase	\$85,278.07	to	31255001/P50134727652/508027	Construction

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-875 AIRPORT

Transfer of funds to increase amount of replacement and redesign of the electrical conduit for the T-Hanger Electrical System Project as recommended by Bath Engineering.

Increase	\$ 47,000	to	62620024/PAP002541064/508016	Arch & Design
Increase	\$235,000	to	62620024/PAP002541064/508027	Construction
Increase	\$282,000	to	62620024/PAP002541064/407001	Intrafd Trf In
Increase	\$282,000	to	62620018/P50000241021/407002	Est Revenue
Increase	\$282,000	to	62620018/P50000241021/507001	Intrafd Trf Out

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-876 AIRPORT  
 Transfer of funds to settle injury claim as recommended by Legal.

Increase	\$100,000	to	62620006/40101/505409	DmgsSetlmnt
Increase	\$100,000	to	62620006/40101/407001	Intrafd Trf In
Increase	\$100,000	to	62620018/P50000241021/407002	Est Revenue
Increase	\$100,000	to	62620018/P50000241021/507001	Intrafd Trf Out

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-883 MUNICIPAL SERVICES

To create required appropriation for cabling of 911 Raynor necessary for RMS and other systems.

Increase	\$70,000	to	31114001/P50131327042/407000	Intrafd Trf In
Increase	\$70,000	to	31114001/P50131327042/508010	Data Proc Eq

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-884 LIBRARY

The Library requests a budget transfer under the Quick Copy Center's budget. This budget transfer will allow the Quick Copy Center to have enough allocations for printing services needed by other City departments and to pay for invoices incurred in FY03.

Increase	\$5,000	to	53530151/45204/407002	Est Revenue
Increase	\$5,000	to	53530151/45204/502209	PrtgServ Cont

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Alzheimer's Association STAR Chapter-El Paso region to hold a 5k walk/run on September 20, 2003 from 8:00 a.m. to 11:00 a.m. Route: Start at parking lot of Cohen Stadium to Kenworthy, turn right on Kenworthy to Spring St., turn right on Spring Rd. to San Andres, turn left on San Andres to Folsom St., turn left on Folsom St. to Kenworthy, turn left on Kenworthy to Cohen St. and finish at Cohen Stadium. Approximately 1000 persons, 400 vehicles, and 30 animals will take part and 100 spectators are anticipated. This request includes permission to use amplification (Cohen Stadium P.A. system). PERMIT NO. 03-113

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Spirit Life Church to use amplification (2 amplifiers, 4 speakers, and 5 microphones) at Album Park on August 23, 2003 from 5:30 p.m. to 8:00 p.m. Approximately 10 persons will take part and 50 spectators are anticipated. PERMIT NO. 03-115

Motion made by Representative Power, seconded Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing: Representative Austin was not present for the vote.

- A.** An Ordinance to amend Title 12 (Vehicles & Traffic), Chapter 12.54 (Towing Regulations and Fees) to add Section 12.54.050 (Towing Fee Studies) to procedures by which Towing Fee Studies may be requested, as required by the Texas Transportation Code; the penalty being as provided in Sections 12.54.040 and 12.84.010 of the El Paso Municipal Code.
- B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.08 (Administration and Enforcement), Section 12.08.220A (impounding Vehicles) to revise and add additional circumstances for the impoundment of vehicles; and to set an effective date; the penalty being as provided in Sections 1.08.010 to 1.08.030 of the El Paso Municipal Code.
- C.** An Ordinance amending Ordinance No. 15185 that established the duties of the Building and Planning Services Department to add supervision over the City's Engineering Department to the Department's responsibilities.
- D.** An Ordinance amending Ordinance No. 15187 that established the Community Services Department to rename the Department as the Quality of Life Services Department.
- E.** An Ordinance amending Ordinance No. 15239, as amending Ordinance No. 15184 establishing the duties of the Financial and Administrative Services Department to remove the supervision by the Department over the City's Office of Management and Budget, Human Resources and Economic Development Departments.
- F.** An Ordinance providing for the issuance and sale of \$95,000,000 City of El Paso, Texas, Water and Sewer Revenue Refunding and Improvement Bonds, Series 2003; approving an Escrow Agreement; approving an Official Statement; and enacting provisions related thereto.
- G.** An Ordinance providing for the issuance of City of El Paso, Texas, Water and Sewer Revenue Bonds, Series 2003A, in the aggregate principal amount of \$1,000,000, for the purpose of improving and extending the City's Water and Sewer system and paying the costs related to the issuance of the Bonds, and enacting provisions incident and related thereto.
- H.** An Ordinance providing for the issuance of City of El Paso, Texas, General Obligation Refunding Bonds, Series 2003, in the aggregate principal amount of \$32,000,000; levying a tax in payment thereof; prescribing the form of said Bonds; approving an Escrow Agreement; approving a Purchase Contract; approving the Official Statement; and enacting other provisions relating thereto.
- I.** An Ordinance providing for the issuance, sale and delivery of \$25,000,000 City of El Paso, Texas, Airport Revenue Refunding Bonds, Series 2003 (El Paso International Airport); prescribing the terms and conditions thereof; providing for the payment thereof; and enacting other provisions relating thereto.

**PUBLIC HEARING WILL BE HELD ON AUGUST 26, 2003 FOR ITEMS A – I**



- J. An Ordinance granting Special Permit No. SU-03021 to satisfy parking requirements for Parcel I, described as Lots 1 - 3, Block 10, Sahara, El Paso, El Paso County, Texas, by allowing off-site, off-street parking on Parcel II, described as Lots 18 and 19, Block 9, Sahara, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: That Marvelous Light Baptist Church / Representative: James L. Millender; 4517 Fairbanks Drive, El Paso, TX 79924.
- K. An Ordinance granting Special Permit No. SU-03016, to allow for a church on a site of less than three acres on a Portion of Lot 7, Block 67, Pebble Hills Unit 7, El Paso, El Paso County, Texas (10560 Montana) pursuant to Section 20.36.040.E (Zoning) of the El Paso Municipal Code. ZONE: C-1 (Commercial). Applicant: Faith Bible Fellowship / Representative: Pastor Gil Zaragoza, 11401 Tom Ulozas Dr., El Paso, TX 79936

**PUBLIC HEARING WILL BE HELD ON SEPTEMBER 2, 2003 FOR ITEMS J – K**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
\*Motion made, seconded and unanimously carried to delete the discussion and action regarding the effect of engaging a project manager for quality of life capital projects and analysis of those effects.  
.....

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to reject the sole bid submitted for Bid No. 2003-171, Automated Side Load Refuse Truck Body Retrofit for the Department of Solid Waste Management. Purchasing, Fleet Services and the Solid Waste Management Departments recommend re-bidding this item with revised specifications at a later date.

Department: Solid Waste Management

The City Clerk called for public comment. There was no public comment.

.....  
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to move the discussion regarding an Ordinance to amend Title 5 of the City of El Paso Municipal Code, by adding thereto Chapter 5, Regulation of Sexually Oriented Businesses; and to repeal all Ordinances or parts of Ordinances in conflict herewith or contrary thereto to the forefront. There was no opposition from Council Members to move the item to the forefront.

Mayor Joe Wardy allowed 15 minutes for individuals in support of the Ordinance to speak and 15 minutes for individuals against the Ordinance to speak.

Mr. Jerry Theidt, citizen, stated that he was neither for nor against the Ordinance; however, had concerns regarding language within the Ordinance.

Mr. Corda Shoner, President of the El Paso Chapter of the American Civil Liberties Union, explained that the ACLU litigated its cases against governmental entities as to the constitutionality of the law. He noted that the Ordinance had sufficient public support and that that public support intended to drive out adult entertainment businesses in El Paso and impose a moral code. He opined that the overall affect of the Ordinance was to unduly burden adult entertainment venues and that the ACLU would object to the Ordinance, specifically as violations of the 1<sup>st</sup> and 4<sup>th</sup> Amendments of the U. S. Constitution. He urged Council Members not to adopt the Ordinance.

Mr. Carl Starr, Vice President of the El Paso Chapter of the American Civil Liberties Union, commented on time, place and manner and negative secondary effects. He stated that language in the Ordinance such as: "on-site or off-site viewing" and "significant portion of materials" required further definition.

Mr. Jerry Theidt, citizen, was opposed to adult entertainment businesses; however, he was concerned that wording in the Ordinance would "bleed over" to other businesses such as Hooters. He stated that the City of El Paso had allowed the adult entertainment businesses to operate within 1,000 feet of churches and schools.

Father Richard Thomas provided a history of prostitution in El Paso and noted that El Paso had been known as "Sin City". He asked if our City's young people would be betrayed and disappointed by City representatives or would City representatives have the courage to do what was right.

Mr. Randy Graham, citizen, stated that the Supreme Court ruled obscenity was not protected free speech and noted that the City of Cincinnati, Ohio had no adult businesses located within the City limits or 25 mile radius of the City limits. He stated that the Ordinance, as written, would accomplish very little as there was not enough police manpower to enforce it and commented on the hours of operation of adult businesses. He asked Council Members to consider three questions: 1. would the Ordinance prevent new business from coming to El Paso or deter businesses from coming 2. would the Ordinance curtail current businesses; 3. was this Ordinance the best that Council Members can do.

Ms. Amy Alvarado, college student, stated that she was in support of the Ordinance; however, requested that the Ordinance language be written more strongly. She explained that her childhood home was located in close proximity to the Naked Harem and asked that adult businesses not be located in City neighborhoods. She reminded Mayor Wardy of his campaign promise to clean up the City's neighborhoods and asked Council Members to pass the Ordinance.

Mary Ann Halloran, citizen, stated that El Paso was not a safe place to raise children and questioned why adult businesses were located throughout the City.

Peter Halloran, citizen and son of Mary Ann Halloran, stated that the owners and managers of adult businesses, in addition to the ACLU, had threatened Council Members. He noted that Council Members were elected officials and should pass the Ordinance.

Mr. Ignacio Solen, owner of adult business, spoke in opposition to the Ordinance and explained that many individuals would lose their jobs and that individuals would spend their monies in Ciudad Juarez.

Mr. Roger O'Dell, Model Cities El Paso, stated that the Ordinance had been under review for three and a half years and that he understood the constitutional issues involved regarding the Ordinance. He stated that it was time to take El Paso back and allow families to raise their children in a healthy society. He noted that the Ordinance was backed by community support and challenged Council Members to do their due diligence in researching the matter thoroughly. He stated that disease, prostitution, money laundering and drug dealings were ongoing within these adult businesses.

Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to allow an additional 10 minutes for individuals in favor of to speak and 10 minutes for individuals opposed to the Ordinance to speak.

Father Phiffer referred to comments made by the ACLU representatives regarding freedom of speech and noted that freedom of speech was limited so as not to injure or harm another individual. He explained that pornography injures and harms individuals. He added that the law of God was against pornographic institution.

Ms. Esther Perez, member of the ACLU, stated that the location of adult businesses were the City's problem; however, commented that the Ordinance violated the 4<sup>th</sup> Amendment of the Constitution, specifically in regard to Social Security Cards utilized as a form of identification. She questioned why Social Security numbers would be made available to Police officers.

Mr. Mike Loustanou, citizen, spoke in favor of the Ordinance and commented on "brain drain". He noted that adult entertain businesses hinder other businesses from making El Paso home.

Ms. Daisy Perez, college student, commented on the degradation of her generation and requested that Council Members place restrictions on adult entertainment businesses.

Mr. Fernando Perez, citizen and Daisy Perez' father, asked the Mayor to do the right thing for the City of El Paso.

Ms. Dodge asked that Council Members get to work or El Paso would become like New York City.

Ms. Roma Grijalva, citizen, stated she was against pornography; however, requested that Council Members "tweak" the language within the Ordinance.

Ms. Lisa Turner, citizen, commented on 1<sup>st</sup> and 4<sup>th</sup> Amendment concerns within the Ordinance and noted that NC17 and X ratings were one in the same as per the Motion Picture Association of America. She read excerpts from Supreme Court cases into the record regarding freedom of speech rights. She noted that the Museum of Art would require an SOB license due to the vague definition of "substantial" and "significant" as currently written in the Ordinance.

Mr. Ricardo Fierro, bartender, spoke against the Ordinance and explained that many individuals such as dancer, bartenders and managers would lose their jobs and asked that Council Members consider the employees of adult entertainment businesses.

Mayor Wardy and Representatives Cook, Lozano, Rojas, Cushing, and Power made comments.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to postpone three (3) weeks an Ordinance to amend Title 5 of the City of El Paso Municipal Code, by adding thereto Chapter 5, Regulation of Sexually Oriented Businesses; and to repeal all Ordinances or parts of Ordinances in conflict herewith or contrary thereto and to direct the City Attorney's Office to respond to any revisions of Council expressed at the Friday, August 15, 2003 Legislative Review Committee of the Whole meeting.

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\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign an Amendment to the Contract between the CITY OF EL PASO and J. MAX QUENON BUILDER, INC., First Party, and JACK QUYNES, Second Party, amending the Contract imposed by Ordinance No. 5703 and dated March 12, 1976; to release the condition only on the property described as *Tracts 17B3B1, 17B2B4A, 17C1 and 17C2B, Block 12, YSLETA GRANT, El Paso, El Paso County, Texas (8531-B Van Haselen Court) SC-03003* Applicant: Dora Coronel / Representative: Monty Roberson, 9440 Viscount, Ste. 103, El Paso, TX 79925

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance changing the zoning of *Tracts 17B2B1, 17B2B4A, 17C1 & 17C2B, Block 12, YSLETA GRANT, El Paso, El Paso County, Texas (8531-B Van Haselen Court)* from R-2/sc (Residential/special contract) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03030. Applicant: Dora Coronel / Representative: Monty Roberson, 9440 Viscount, Ste. 103, El Paso, TX 79925  
.....



- c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has been given ample time to reconstruct the building, and has allowed the property to continue to deteriorate, we find the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
    - a. That the Building be demolished within (30) days; and
    - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
    - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
    - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
    - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
  3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
  4. That said Owner shall become personally liable for all costs incurred by City in connection with the demolition of the Building and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with the demolition of the Building and cleaning of the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
    - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
  7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and

10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Ms. Marta Martinez, property owner, explained background information regarding the property and requested additional time to bring the structure into compliance.

Representative Escobar questioned the number of times the property had come before Council Members for action.

Mr. Maguire explained that the Building Permits and Inspections Department was recommending that the structure be demolished.

Representative Cushing stated that he and Ms. Martinez had established a commitment; however, that commitment was not fulfilled. He questioned whether issues raised by Ms. Martinez, concerning a case Mr. Shapleigh was handling and a Bill of Review, would impede the City from moving forward with the Department's recommendation.

Ms. Teresa Garcia, Assistant City Attorney, stated that she had no knowledge of the City being served with any actions regarding the property and she stated that she had no personal knowledge regarding the Bill of Review issue.

Representative Austin stated that Council Members were not authorizing the City to take action preempted by the stay.

Ms. Laura Gordon, First Assistant City Attorney, explained that Ms. Martinez had filed a suit and the City Attorney's office would review.

Ms. Lisa A. Elizondo, City Attorney, concurred with Representative Austin's remarks.

There being no further public comment, the vote was taken.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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## ORDER

WHEREAS, after providing due notice to the Owner of the hereinafter described property, the City Council of the City of El Paso conducted Public Hearings on May 20<sup>th</sup>, July 15<sup>th</sup>, and August 12<sup>th</sup>, 2003, regarding the property located at 2322 Silver Avenue, El Paso, Texas 79930, more particularly described as:

Lots: 20 and 21, Block 62, Highland Park Addition

and found that the Buildings located on said property are substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Buildings are not in substantial compliance with the Municipal Ordinances, and that the Buildings can not be repaired; and

WHEREAS, having found that the Buildings are not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owner of said property to demolish the Buildings and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated May 20<sup>th</sup>, 2003, that is on or before June 18<sup>th</sup>, 2003.

WHEREAS, the City Council ORDERED the Owner of said property to appear before City Council on May 20<sup>th</sup>, July 15<sup>th</sup>, and August 12<sup>th</sup>, 2003, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
  - a. That the Owner of said property, Ruben Aguiano, 2330 Montana Avenue, El Paso, Texas 79903 was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
  - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to demolish the Buildings, and clean the premises of all weeds, trash and debris within 30 days after May 20<sup>th</sup>, 2003 that is, on or before June 18<sup>th</sup>, 2003; and
  - c. That the Owner has failed to comply with the Order each day from June 18<sup>th</sup>, 2003 through August 12<sup>th</sup>, 2003, a total of 56 days; and
  - d. That the property which is subject to the Order is not the Owner's homestead; and
  - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$28,000.00.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
2. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to demolish the Buildings and clean the premises of all weeds, trash, and debris may result in additional penalties.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

There being no further public comment, the vote was taken.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Order.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the public hearing to determine if the property located at 117-119 W. Overland Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, William Abraham (Trustee) for Franklin Group, L. P., has been notified of the violations at this property. Delinquent taxes in the amount of \$5,161.02.  
.....

\*Motion made, seconded and unanimously carried to postpone one (1) week the public hearing to determine if the property located at 3501 E. Yandell Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, First National Acceptance Co., P. O. Box 4010, East Lansing, Michigan 48826, has been notified of the violations at this property. Taxes have been paid.  
.....

#### RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 5025 Joe Herrera Drive, in El Paso, Texas, which property is more particularly described as follows:

Lots: There Westerly 39.15 feet of Lot 22 and the Easterly 33 feet of Lot 23, Block 15, Tobin Park Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 17, Page 7, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Ernest S. Huey, 316 N. West 39<sup>th</sup> Street, Blue Springs, MO 64015, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on August 12<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is found to be unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and



- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes; and
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and

10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

There being no further public comment, the vote was taken.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....  
Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to move the item below into executive session at 12:44 p.m., first time.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

Representative Cushing commented on the electrical issue and noted that Mr. Fox strongly objected to this.

Mr. John Fox, property owner, requested copies of City documents and stated that he is suing the Mr. Maguire, Mr. Stern and Mr. Williams, Building Permits and Inspections' employees of the City.

Motion made by Representative Cook, seconded by Representative Escobar and carried to move the item below into executive session at 1:15 p.m., second time. Representative Lozano voted Nay. Representative Power was not present.

#### RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 3815 Truman Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 9 through 12, and the E 17 ½ feet of Lot 13, Block 110, Map of Morningside Heights Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 11, Page 33, Plat Records of El Paso County

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, John J. Fox, 4741 Maxwell Avenue, El Paso, Texas 79924, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on August 12<sup>th</sup>, 2003; and

WHEREAS, JOHN J. FOX, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structures located on said property are found to be unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structures could be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Buildings be vacated and maintained secured until reconstructed to meet current codes within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That a public hearing be scheduled for October 7<sup>th</sup>, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to vacate and secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall vacate and secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with vacating and securing the Buildings and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with vacating and securing the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Representative Cushing made additional comments.

There being no further public comment, the vote was taken.

Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

NOTE: This Resolution was taken into executive session twice.

**ADDITION TO THE AGENDA**

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT for a Federal Miscellaneous Project (Off State system) between the CITY OF EL PASO and the STATE OF TEXAS, acting through the Texas Department of Transportation, which Agreement encompasses the construction of a dedicated commuter lane at the Zaragosa International Bridge, with terms and conditions as further described in the Agreement; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution. The total cost of the project is \$342,990.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

\*Motion made, seconded and unanimously carried to delete the Removal of Evelina Ortega and appointment of Michael H. Bray to the El Paso Housing Finance Corporation.

.....  
\*Motion made, seconded and unanimously carried to delete the Removal of Jan Sumrall and appointment of Vivian Rojas to the El Paso Housing Finance Corporation.

.....  
\*Motion made, seconded and unanimously carried to delete the Removal of Larry Medina and appointment of Daniel S. Power to the El Paso Housing Finance Corporation.

.....  
Motion made by Representative Escobar, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:44 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A.** Public hearing to determine if the property located at 3815 Truman Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property as of May 12<sup>th</sup>, 2003, John J. Fox, 4741 Maxwell Avenue, Apt. 13, El Paso, Texas 79924, has been notified of the violations at this property. Delinquent taxes in the amount of \$0. (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:02 p.m., during which time motions were made as follows:

.....  
Motion made by Representative Cook, seconded by Representative Escobar and carried that the City Council retire into **EXECUTIVE SESSION** at 1:15 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Representative Lozano voted Nay. Representative Power was not present.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A.** Public hearing to determine if the property located at 3815 Truman Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property as of May 12<sup>th</sup>, 2003, John J. Fox, 4741 Maxwell Avenue, Apt. 13, El Paso, Texas 79924, has been notified of the violations at this property. Delinquent taxes in the amount of \$0. (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:28 p.m., during which time motions were made as follows:

.....  
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to approve the Resolution for the public hearing on 3815 Truman Avenue.

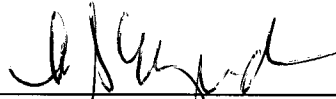
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to adjourn this meeting at 1:31 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Lisa A. Elizondo, City Attorney